

**REMARKS/ARGUMENTS**

Reexamination of the captioned application is respectfully requested.

**A. SUMMARY OF THIS AMENDMENT**

By the current amendment, Applicants basically:

1. Editorially amend a caption in the specification.
2. Cancel claims 1-31 without prejudice or disclaimer.
3. Add new claims 32-63.
4. Respectfully traverse all prior art rejections.
5. Advise the Examiner of the simultaneous filing of a Petition to Extend.
6. Advise the Examiner of the simultaneous (attached) filing of a PTO-1449

**B. PATENTABILITY OF THE CLAIMS**

Claims 1-31 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 5,708,656 to Noeman et al. All prior art rejections are respectfully traversed for at least the following reasons.

The allegations of the Office Action are primarily based on col. 1, lines 27-48 of Noneman, namely that this passage already discloses that a timer is set when a packet arrives and that when the timer expires before a next packet arrives the traffic channel is disconnected by the MS. The Office Action incorrectly considers such a procedure to be identical to original independent claim 1's monitoring inter-arrival times for determining an active period.

As explained below, the new independent claims (32, 42, and 53) differ from the original claims in several regards and emphasize the distinctiveness of Applicants' claims over Noneman.

For example, aspects a1)-a3) of the independent claims emphasize that

- *radio blocks are transferred on the radio resources of the radio communication link between the subscriber terminal and the base station system; and*
- *a physical connection (for example, a TBF) is maintained between the subscriber terminal side and the base station system.*

The "traffic channel" of Noneman is not a physical connection in the sense of Applicants' claims. Applicants' physical connection is typified, for example, by the so-called TBF in GPRS and is used in connection with the scheduling of the radio blocks onto the actual "traffic channel" – i.e., the TBF is the context used for controlling the use of the resources on the radio communication link rather than the communication link itself. Hence, it is the TBF (physical connection as described in the new attached claims) which is to be maintained, NOT directly the "radio communication link".

To put it differently: as long as the TBF exists, the data packets are included in the scheduling process of radio blocks onto the resources of the radio link. If it does not exist any longer – is not maintained – the radio resources are STILL available on the EXISTING radio communication link BUT they are used for scheduling other packets from other connections.

Hence, the underlying context, meaning, usage and maintaining of Applicants' "physical connection" (based on the TBF concept of GPRS as described at great length in the US patent application specification) is entirely different from the "traffic channel" of Noneman. Aspects a1), a2), and a3) of the new independent claims emphasize this distinction. For example, in addition to the considerations mentioned above, the independent claims state that the physical connection is set up between the base station system with BSS and the subscriber terminal side. For support, see, e.g., Fig. 1 and Fig. 2, as well as the protocol-structure in Fig. 2 in the present application, as described on page 4, 3rd paragraph, page 5, 2nd and 3<sup>rd</sup> paragraph and page 6, 1<sup>st</sup> paragraph of the US application.

Noneman's "traffic channel" is between the radio network system (RNS) and the serving node (SGSN), and thus is not a connection between the mobile station and the base station system. Accordingly, the release of a "traffic channel" in Noneman has nothing in common with the claimed concept relating to the physical connection (e.g. a TBF) between the subscriber terminal side and the network side.

Aspects b1), b2), and b3) of the independent claims are supported, e.g., by Fig. 4C, Fig. 9 – Fig. 11. These aspects emphasize, e.g., that

- *the user data packets ( for example on the Gb interface coming from the application on the upper layer of the protocol structure) are evaluated with respect to their inter-arrival time;*
- *the physical connection between the subscriber terminal side SS and the base station system BSS is maintained during the active period.*

Therefore, the user data packets are evaluated with respect to their inter-arrival times and the active period includes a first data packet and a last user data packet for which the monitored inter-arrival time falls in a pre-determined range.

In the passage cited in the Office Action, Noneman essentially only teaches that a timer is reset when a "packet" arrives; and a traffic channel is released if the timer expires. Noneman does not teach or suggest the limitations dealing with Applicants' "physical connection", let alone the determination and usage of an active period in connection with a "physical connection" as claimed in the independent claims.

Noneman only discloses the disconnection of a "traffic channel", not disconnection of a "physical connection" which is used for the scheduling of the user data packets as a number of radio blocks onto said communication link. But Noneman does not teach or suggest the

claimed “physical connection”, much less maintaining of such a “physical connection” in connection with an “active period”.

Further, the claimed determination of an active period being a period from a first to a last user data packet in a period in which each user data packet has arrival times each falling into a predetermined range, is not the same concept as the resetting of a timer as in Noneman.

Moreover, Noneman has nothing to do with monitoring, on the subscriber terminal side and/or the network controller side, the user data packet traffic and maintaining the physical connection between the base station system and the subscriber terminal side during the active period of user data packets, with this process being carried out autonomously by the subscriber terminal side, the network controller side, or commonly by the subscriber terminal side and the network side.

Applicants invite the Examiner to consider carefully the prosecution in the corresponding PCT application and the favourable International Preliminary Examination Report which issued on claims comparable to those now submitted to the US Patent Office and which encompassed Noneman<sup>1</sup>. Applicants submit that the rejections initially formulated in the PCT prosecution were akin to those of the present US Office Action, but were overcome by the new claims as evident from the International Preliminary Examination Report. See, particularly, sheet 2, 2<sup>nd</sup> paragraph to sheet 3, 2<sup>nd</sup> paragraph of the (attached) the IPER, wherein the PCT opined

“neither the above-mentioned document D1 nor the additionally cited documents of the search report (*including, as D4, Noneman*) disclose or suggest such features”. (*italics now supplied by Applicants*).

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<sup>1</sup> Noneman was cited as A-category document by the PCT examiner but was subsequently (see the written opinion and the IPER) not further discussed in the PCT procedure because the PCT examiner relied on D1 = WO 00 01173 A.

**C. Information Disclosure Statement (IDS)**

The International Preliminary Examination Report and other documents from the PCT prosecution are attached as listed on a PTO-1449 for consideration and citation in the present application. Also listed on the PTO-1449 are two 3GPP Technical Specifications which pertain to GPRS.

**D. MISCELLANEOUS**

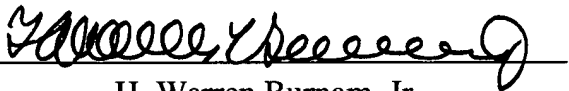
In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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